

1 Chief Judge Ricardo S. Martinez
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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 UNITED STATES OF AMERICA,
9 Plaintiff,

10 v.

11 DORIAM GERMAN MORENO-ROCHA,
12 Defendant.

NO. CR19-203-RSM

**PRELIMINARY ORDER OF
FORFEITURE**

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15 THIS MATTER comes before the Court on the United States' Motion for
16 Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States,
17 Defendant Doriam German Moreno-Rocha interest in the following property ("Subject
18 Currency"):

19 1. \$32,000 in United States currency, more or less, seized on October 8, 2019,
20 from a 2020 Kia Sorrento bearing a California license plate that had been
21 recovered from SeaTac Washington.

22 The Court, having reviewed the United States' Motion, as well as the other papers
23 and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of
24 Forfeiture is appropriate for the following reasons:

25 • The Subject Currency is forfeitable pursuant to 21 U.S.C. § 853 as it
26 constitutes or is derived from proceeds Defendant obtained as a result of his
27 commission of Conspiracy to Distribute Controlled Substances, in violation
28 of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) and 846; and,

1 • Pursuant to the Plea Agreement he entered on December 14, 2021,
2 Defendant agreed to forfeit the Subject Currency, Dkt. No. 656 ¶ 13.

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4 NOW, THEREFORE, THE COURT ORDERS:

5 1) Pursuant to 21 U.S.C. § 853 and his Plea Agreement, Defendant's interest
6 in the Subject Currency is fully and finally forfeited, in its entirety, to the United States;

7 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will
8 be final as to Defendant at the time he is sentenced, it will be made part of the sentence,
9 and it will be included in the judgment;

10 3) The Department of Justice, Drug Enforcement Administration, and/or its
11 authorized agents or representatives ("DEA") shall maintain the Subject Currency in its
12 custody and control until further order of this Court;

13 4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the
14 United States shall publish notice of this Preliminary Order and its intent to dispose of the
15 Subject Currency as permitted by governing law. The notice shall be posted on an official
16 government website – currently www.forfeiture.gov – for at least thirty (30) days. For
17 any person known to have alleged an interest in the currency, the United States shall, to
18 the extent possible, provide direct written notice to that person. The notice shall state that
19 any person, other than Defendant, who has or claims a legal interest in the currency must
20 file a petition with the Court within sixty (60) days of the first day of publication of the
21 notice (which is thirty (30) days from the last day of publication), or within thirty (30)
22 days of receipt of direct written notice, whichever is earlier. The notice shall advise all
23 interested persons that the petition:

24 a. shall be for a hearing to adjudicate the validity of the petitioner's
25 alleged interest in the Subject Currency;
26 b. shall be signed by the petitioner under penalty of perjury; and,
27 c. shall set forth the nature and extent of the petitioner's right, title, or
28 interest in the currency, as well as any facts supporting the
 petitioner's claim and the specific relief sought.

5) If no third-party petition is filed within the allowable time period, the United States shall have clear title to the currency, and this Preliminary Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

6) If a third-party petition is filed, upon a showing that discovery is necessary to resolve factual issues it presents, discovery may be conducted in accordance with the Federal Rules of Civil Procedure before any hearing on the petition is held. Following adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that adjudication; and,

7) The Court will retain jurisdiction for the purpose of enforcing this Preliminary Order, adjudicating any third-party petitions, entering a Final Order of Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

DATED this 6th day of May, 2022.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

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